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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/578,983  | 08/08/2006  | Helge-Ruben Halse    | 007831.00004              | 8549                   |
| 28827   | 7590        | 09/21/2007           |                           |                        |
| GABLE & GOTWALS<br>100 WEST FIFTH STREET, 10TH FLOOR<br>TULSA, OK 74103 |             |                      | EXAMINER<br>SHAKERI, HADI |                        |
|   |             |                      | ART UNIT<br>3723          | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>09/21/2007   | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/578,983

Applicant(s)

HALSE, HELGE-RUBEN

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20060511; 20060808.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "46" has been used to designate both piston (tong) and retainer ring (back-up tong). Specification (page 7, line 18) should be changed accordingly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING (S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The disclosure is objected to because of the following informalities: In paragraph 39 (page 7, line 21 as indicated), the reference to back-up tong should be amended, i.e., "figures 1 and 2" should be changed to, --figure 5--.

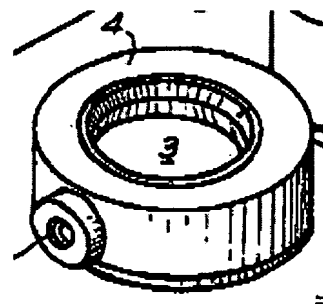
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery et al (2,923,192) in view of Applicant's Admitted Prior Art (AAPA).



Montgomery et al. meets all of the limitations of claim 1, e.g., in Figs. 1-4, except for disclosing the clamping device communicating with the fluid supply via a swivel ring that encircles the drive ring, and that the plurality of the clamping devices (15) gathered in a group are removable from the drive ring. AAPA, e.g., page 1, lines 5-9, discloses that tongs having a swivel coupling surrounding the tong for transferring pressurized fluid from an external source to the tong is old and known in the art. It is further noted that it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Montgomery et al with swivel coupling and to make the jaws separable for easing of maintenance or replacements, as these are old and well known in the art and would only require routine experimentations with predictable results.

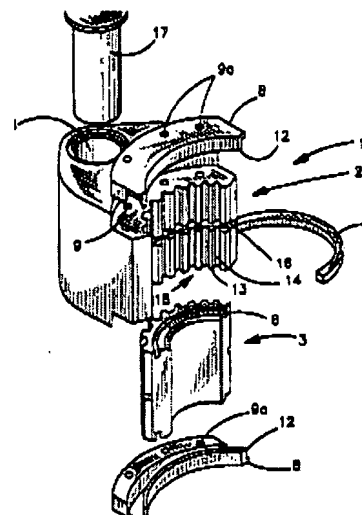
Regarding claims 2 and 3, modified prior art meets the limitations, e.g., undivided ring gear (8).

Regarding claim 6, modified prior art meets the limitations, except for disclosing removable jaws, obvious modifications to one of ordinary skill in the art, as indicated above, for ease of maintenance.

Regarding claim 7, use of back up tong in breaking and tightening pipes are known in the prior art, and would have been well within the knowledge of one of ordinary skill in the art.

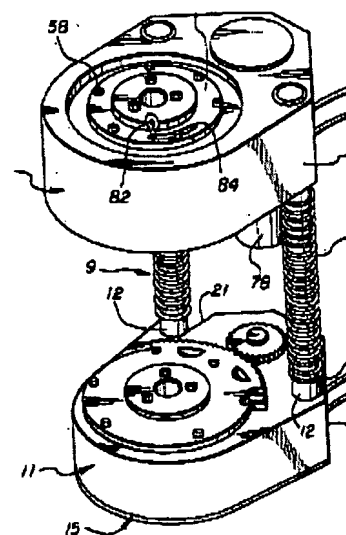
5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over prior art applied to claim as applied to claim 1 above, and further in view of Buck (6,253,643).

Prior art as applied to claim 1, meets all of the limitations of the above claim, except for disclosing removable jaws. Buck teaches jaw assemblies that are removable. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art with removable jaws as taught by Buck with replaceable jaws for ease of service.



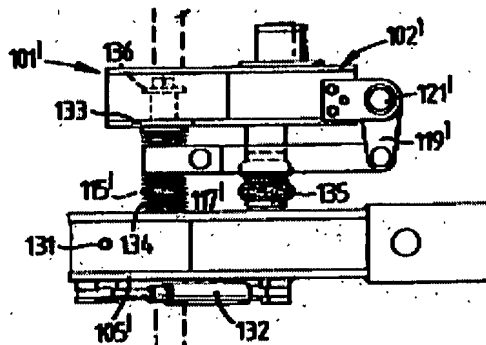
6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art applied to claim as applied to claim 1 above, and further in view of Keast et al. (4,246,809).

Prior art as applied to claim 1, meets all of the limitations of the above claims, except for disclosing a back up tong displaceable relative to the tong along two guide columns. Providing back up tong for break up and tightening of pipes and adjusting a relative distance between the tong and the back up tong along guide columns are known as evident by Keast et al. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art with guide columns as taught by Keast et al. to enhance the operation.



7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art applied to claim as applied to claim 1 above, and further in view of Schulze-Beckinghausen (5,081,888).

Prior art as applied to claim 1, meets all of the limitations of the above claims, except for disclosing a bellows between a back up tong and the tong. Providing back up tong for break up and tightening of pipes and providing a collecting bellows between the tongs is known as evident by Schulze-Beckinghausen. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of prior art with a collecting bellows as taught by Schulze-Beckinghausen to enhance the operation.



#### ***Allowable Subject Matter***

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: prior art considered alone or in combination does not provide teaching or suggestions for the cylinder and the piston to be double acting, wherein a plus side of the piston is in communication with a first passage in the swivel ring and a minus side of the piston is in communication with a second passage in the swivel ring, as recited in claim 4.

***Conclusion***

10. Prior art made of record and not relied upon at this time, are considered pertinent to applicant's disclosure. Schulze-Beckinghausen et al., Penisson, Wesch, Jr., Vatne and Mayer et al. are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 16, 2007

/Hadi Shakeri/  
Primary Examiner, Art Unit 3723